

FILED

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

MAR 21 2013

MICHAEL D. ABONEY,

Plaintiff,

v.

CLINTON HOLLAND,

Defendant.

WILLIAM B. GUTHRIE
Clerk, U.S. District Court
By _____ Deputy Clerk

No. CIV 10-460-Raw-SPS

OPINION AND ORDER
DENYING THIRD MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff has filed a third motion requesting the court to appoint counsel. He still bears the burden of convincing the court that his claim has sufficient merit to warrant appointment of counsel. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)). The court again has carefully reviewed the merits of plaintiff's claims, the nature of factual issues raised in his allegations, and his ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After considering plaintiff's ability to present his claims and the complexity of the legal issues raised by the claims, the court finds that appointment of counsel still is not warranted. See *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); see also *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995).

ACCORDINGLY, plaintiff's motion [Docket No. 35] is DENIED.

IT IS SO ORDERED this 21st day of March 2013.


RONALD A. WHITE
UNITED STATES DISTRICT JUDGE